REMARKS

The Non-Final Office Action mailed October 30, 2009 considered and rejected claims 1-47. Claims 18-45 were rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Claims 1-17, 46 and 47 were rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Many of the claims were rejected under 35 U.S.C. 102(b) as being anticipated by Luzeski (US 6,404,762) hereinafter *Luzeski*. Other claims were rejected under 35 U.S.C. 103(a) as being unpatentable over rejected under 35 U.S.C. 103(a) as being unpatentable *Luzeski* over in view of various references to Guck (hereinafter the *Guck* references). Still other claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Luzeski* and/or the *Guck* references in view of other references.[1]

By this amendment, claims 1, 4-7, 9, 12-14, 16, 18-36, 44 and 45 are amended and claims 48-50 are new.[2] Claims 8, 11, 17, 37-43, 46 and 47 are cancelled. Accordingly, claims 1-7, 9, 10, 12-16, 18-36, 44, 45, and 48-50 are pending, of which claims 1, 12, 44, and 45 are the independent claims.

Applicants submit that the art of record does not anticipate the pending claims nor render the pending claims obvious because the cited are does teach or suggest each and every limitation of the pending claims.

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[1]More specifically, Claims 1, 2, 3, 4, 9, 11, 18-19, 33, 44, 46 and 47 were rejected under 35 U.S.C. 102(b) as being anticipated by Luzeski (US 6,404,762) hereinafter *Luzeski*. Claims 5-7, 12-17, 20-22 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Luzeski* in view of Guck (US 5,794,039) hereinafter *Guck1*, where 5,911,776, hereinafter *Guck2*, and 5,848,415, hereinafter *Guck3* and 5,848,415, where *Guck2* and *Guck3* are each incorporated by reference into *Guck1*. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Luzeski* in view of Xue (US 6,782,414) hereinafter *Xue*. Claim 10 was rejected under 35 U.S.C. 103(a) as beingunpatentable over *Luzeski* in view of Outlook (Outlook Express EML, Computing.net) hereinafter *Outlook*. Claims 23, 24, 34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Luzeski* in view of Lee (US 6,212,553) hereinafter *Lee* and Kennedy (US 6,134,582) hereinafter *Kennedy*. Claims 25 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Luzeski* in view of *Lee* and *Kennedy*, further in view of Almond (US 6,112,024) hereinafter *Almond*. Claims 26, 27, 37 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of RFC 2046 (MIME Part Two: Media Types) hereinafter *RFC 2046*. Claims 28 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of *RFC 2046* as applied to claims 26 and 37 above, and further in view of RFC 2017 (Definition of the URL MIME External-Body Access-Type) hereinafter *RFC 2017*. Claims 29 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of Chao (US 2004/0128355) hereinafter *Chao*. Claims 30, 31, 41, and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of *Chao* as applied to claims 29 and 40 above, and further in view of *RFC 2017*. Claims 32 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guck* in view of NNTP (S. Barber) hereinafter *NNTP*.

[2] Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0013]-[0017], [0033], [0044], [0048]-[0051], [0076]-[0085], [0091], and [0093]-[0099] and Figures 1, 2A-2D, 3, 6, 8, and 9 of U.S. Pat. Appl. Pub. No. 2005/0108332.

Luzeski describes a universal messaging system providing integrated voice, data, and fax messaging services to PC/Web based clients including a session manager for maintain a session between messaging platform and the Web-based clients. One aspect of *Luzeski* concerns the need to support new message types specifically targeted to the delivery of multi-media content. Such messages will preferably be ignored by normal e-mail client but will be visible to clients specifically adapted to recognize them. (Col. 2, ll. 23-34 and Col. 14, ll. 53-55). Subscribers can access messages from a "universal inbox" that displays all of a subscribers voice, fax, and email messages. (Col. 3, ll. 56-58). A Common Messaging Calls (CMC) layer in the messaging platform provides the "glue" to enable communication and control between and among different message stores. (Col 3, ll. 65 and 66 and Col. 3, ll. 17-18). As such, Applicants submit that *Luzeski* requires client modification to utilize CMC.

The *Guck* references describe converting between format types. When a resource objects current content format is not compatible, a server process attempts to locate a "converter" object which will convert the content into a compatible form. (*Guck 3*, col. 10, ll. 31-45 and Figures 1 and 5). A converter hierarchy defines input and output types to various converters. All converters posses a transform function which can be called to perform its corresponding conversion process. (*Guck 3*, col. 10, l. 50 – Col. 12, l. 9). Applicants submit that executing transform functions of *Guck 3* either a) result in a second object or b) that the original object is no longer retained in the input type. As such, Applicants submit that the *Guck* references are required to either permanently altering existing objects or create duplicate objects to function.

However, the cited art fails to teach or suggest either singly or in combination:

...

> an act of making the message item simultaneously compatible with the plurality of different message protocols by assigning at least one protocol extension to the message item for each of the plurality of different message protocols to account for other properties that are not common between the plurality of different message protocols, each assigned at least one protocol extension adding one or more protocol specific properties from a protocol extension schema corresponding to a specified message protocol, selected from among the plurality of different message protocols, to the created message item

such that the one or more linked content portions of the message item are compatible with the specified message protocol; and

an act of making the message item simultaneously compatible with the plurality of different message applications by assigning at least one application extension to the message item for each of the plurality of different message applications to account for properties that are not common between the plurality of different message applications, each assigned at least one application extension adding one or more application specific properties from an application extension schema corresponding to a specified message application, selected from among the plurality of different message application, to the message item such that the one or more linked content portions of the message item are compatible with the specified message application.

as recited in claims 1 and 44, when viewed in combination with the other limitations of claims 1 and 44. For at least this reason, claims 1 and 44 patentably define over the art of record. Since claims 2-7, 9, 10, and 18-36 depend from claim 1, claims 2-7, 9, 10, and 18-36 patentably define over the art of record at least for the same reason as claim 1.

Further, the cited art fails to teach or suggest either singly or in combination:

...

an act of snapping on data fields from a further message extension schema to the message item, the data fields defined in the further message extension schema having one or more new specific properties that are to be associated with the message item to facilitate compatibility with the additional message protocol or the additional message application;

an act of retrieving at least one value from the one or more currently assigned specific properties; and

an act of assigning the retrieved at least one value to at least one of the snapped on data fields to make the message item compatible with the additional message protocol or the additional message application such that the message item is simultaneously compatible with the at least one message protocol, the at least one message application, and the additional message protocol or the additional message application.

as recited in claims 12 and 45, when viewed in combination with the other limitations of claims 12 and 45. For at least this reason, claims 12 and 45 patentably define over the art of record. Since claims 13-16 and 48-50 depend form claim 12, claims 13-16 and 48-50 patentably define over the art of record at least for the same reason as claim 12.

Claims 1-17, 18-45, 46, and 47 were rejected under 35 USC 101 as directed to non-statutory subject matter. By this amendment, claims 1 and 12 are amended to define that a processor performs one or more of the recited acts. Claims 18-36 are amended to depend from claim 1 and claims 37-43 are cancelled. As such, Applicants submit that claims 1, 12, and corresponding dependent claims are directed to statutory subject matter. Claims 44 and 45 are amended to recite "computer storage media". As such, Applicants submit that claims 44 and 45 are directed to statutory subject matter. Accordingly, Applicants respectfully request that the rejections under 35 USC 101 be withdrawn. Support for these amendments is found at paragraphs [0103] and [0104] of U.S. Pat. Appl. Publ. No. 2005/0108332.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required reason why one of ordinary skill in the art would have modified the cited references in the manner officially noticed.[3]

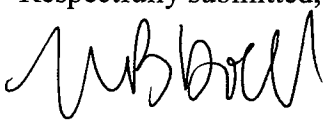
[3] Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 26th day of February, 2010.

Respectfully submitted,



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